

Greg Anderson

0802-20A-05

From: Melody Sweat [msweat@washingtontownship-hc.us]
Sent: Monday, September 17, 2007 7:29 AM
To: Greg Anderson
Cc: Bruce Hauk; 'Andy Cook'; Robert Horkay2; Bob Smith; Jack Hart2; 'Joe Plankis'; 'John Dippel'; 'Ron Thomas'; Ron Thomas2; 'Ken Kingshill'; 'Rob Stokes'; 'Tom Smith'
Subject: Trail corridor overlays
Attachments: 2007-0827 ZO Ch 23H Monon Trail Overlay DRAFT (Summer 2007 v1) Committee Packet CLEAN.doc

Hello Greg,

I have attached for your consideration a draft of the Monon Trail Overlay Zone ordinance that Carmel is currently working on. With Towne Road Crossing and any other project that will be proposed along our trails in Washington Twp. I would like to see Westfield in act a trail overlay ordinance as well. It would need to apply to all trails that have been identified on the alternative transportation plan. After you have had time to look this over I would love to set down with you to discuss this concept. Thank you.

Melody Sweat, CPSI

Director

Washington Township Parks & Recreation
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9/17/2007

CARMEL CITY CODE**CHAPTER 10: ZONING & SUBDIVISIONS****ARTICLE 1: ZONING CODE****CARMEL ZONING ORDINANCE****CHAPTER 23H: MONON GREENWAY OVERLAY ZONE****EXISTING ZONING:**

Urban Section: R-2, B-2, B-5, C-1, C-2, I-1 Old Town OL, Range Line OL

Natural Section: P-1, S-2, R-1, R-2, R-3, R-4, M-3, PUD Old Town OL, Home Place OL, US 31 OL

23H.00 Monon Greenway Overlay Zone.

- 23H.00.01 Purpose, Intent and Authority. The purpose of this overlay zone is to protect and enhance the health, safety and welfare of the citizens and property owners of Carmel by protecting the physical integrity of the Monon Greenway, including its ballast foundation and drainage ways, and by complying with the Monon Greenway easement covenants as they pertain to the natural character and existing vegetation of the trail and its protection.

It is the City's intent to achieve the purpose of this zone by:

- Providing a consistent design treatment for private and public properties along Monon Greenway;
- Providing controls for architecture and landscape design that establish continuity of design between projects and to improve the physical relationship and human scale between new buildings and the Monon Greenway;
- Protecting the Monon Greenway character;
- Protecting the physical integrity of the Monon Greenway.

This district is superimposed over the other primary zoning districts and its regulations shall supersede those of the primary zoning districts over which it is superimposed. In establishing this zone, the Plan Commission and Council relies on I.C. 36-7-4-1400 *et seq.*

23H.00.99 Application Procedure.

- A. Development Plan. See *Section 24.99(A): Development Plan.*
- B. Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS). See *Section 24.99(B): Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS).*

23H.01 District Boundaries. The boundaries of the Monon Greenway Overlay Zone (the Zone) are hereby established as approved on the Zoning Map. Diagram 1 illustrates, generally, the boundaries of the Urban and Natural Sections.

23H.01.01 Urban Section Boundary. Properties which abut the Monon Greenway from First Street NW to the southern property line of properties fronting the south side of Carmel Drive.

23H.01.02 Natural Section Boundary. Properties which abut the Monon Greenway from 146th Street to First Street NW and Carmel Drive to 96th Street.

23H.02 Plan Commission Approval.

23H.02.01 The Plan Commission must approve, approve with conditions, or disapprove the Development Plan (DP) and Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS) for any tract of land in the Urban Section of the Monon Greenway Overlay Zone.

23H.02.02 Zoning Waiver. The Commission may, after a public hearing, grant a Zoning Waiver of the dimensional and quantitative standards of this Chapter, by not greater than thirty-five percent (35%). Any approval to permit such a waiver shall be subject to the following criteria:

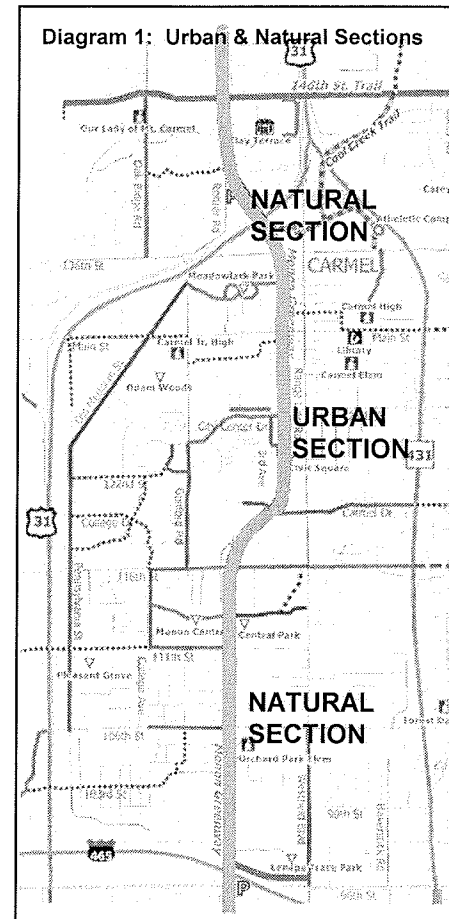
- A. The proposal shall enhance the overall Development Plan and the adjoining streetscapes and neighborhoods.
- B. The proposal shall not produce a Site Plan or street/circulation system that would be impractical or detract from the appearance of the Development Plan or the District, and shall not adversely affect emergency vehicle access.
- C. The proposal shall exhibit extraordinary site design characteristics, including, but not limited to: Increased landscape treatment, tree preservation, provisions for bicycle and pedestrian traffic.

In granting a waiver, the Commission may impose such conditions that will, in its judgment, secure the purposes of this Chapter. This Section does not affect the right of the applicant under Indiana law to petition the Board for a variance from development standards provided under IC 36-7-4-918.5 and this Zoning Ordinance.

23H.03 Permitted Uses. See Appendix A – Schedule of Uses.

23H.03.01 All Uses which are permitted in the underlying primary zoning district(s), except those uses expressly prohibited by Section 23H.04, are permitted in the Zone.

23H.03.02 Residential uses are permitted; however, it shall not comprise more than seventy-five percent (75%) of a project's gross floor area in districts where residential is not permitted by underlying zoning.



23H.04 Prohibited Uses. See Appendix A – Schedule of Uses.

23H.04.01 Prohibited Uses.

- A. Automobile, Truck, Boat, Mobile Home, Manufactured Housing or RV Sales.
- B. Sexually Oriented Businesses
- C. All Industrial Uses in Appendix A

23H.05 Building Setbacks.

23H.05.01 Urban Section.

A. Greenway Build-to Line.

- 1. Minimum: Twelve feet (12'), measured from the actual right-of-way, or a thirty-three feet (33') half right-of-way, whichever is greater.
- 2. Maximum: There is no maximum setback; however, the area adjacent to the Greenway may not be used solely for parking. In addition, this area must reflect an awareness of the Greenway and shall not adversely impact the character of the Greenway.
- 3. Buildings with recessed and protruding façades are required within the setback area, and must occur in no less than thirty feet (30') increments.

B. Side and Rear Setbacks. Ten (10) feet.

C. Conflicting Requirements. Wherever there exists a conflict between the building setback requirements of the Old Town District Overlay Zone and the Monon Greenway Overlay Zone, the Monon Greenway Overlay Zone shall govern. However, parcels in the Overlay with frontage on a public street, must adhere to the Front Yard requirements established by other applicable Overlay Zones or their underlying zoning districts.

23H.05.02 Natural Section.

- A. Minimum Greenway Setback: Thirty (30) feet, measured from the edge of Monon Greenway, generally a presumed thirty-three feet (33') half right-of-way.
- B. Side and Rear Setbacks. Requirements per underlying primary zoning district.
- C. Conflicting Requirements. Wherever there exists a conflict between the building setback requirements of the Old Town District Overlay Zone and the Monon Greenway Overlay Zone, the Monon Greenway Overlay Zone shall govern. However, parcels in the Overlay with frontage on a public street, must adhere to the Front Yard requirements established by other applicable Overlay Zones or their underlying zoning districts.

23H.06 Greenway Access Points.

NOTE: TRAIL SPECS HAVE BEEN REMOVED IN FAVOR OF PLACING THEM IN THE THOROUGHFARE PLAN.

- 23H.06.01 All Greenway Access Points, whether residential or commercial, shall be designed and built in accordance with an approved Plan and to Parks Board Standards. All access points shall be constructed of durable materials and shall be designed as to not impede drainage ways. Connection intervals shall be determined by the Director. Where determined appropriate, a non-access agreement may be required to be recorded.

23H.07 Building Orientation.

23H.07.01 Urban Section. Every parcel with frontage on the Monon Greenway must have at least one building elevation that fronts on the Greenway.

23H.08 Building Height.

23H.08.01 Urban Section.

- A. Minimum Height: Two (2) stories.
- B. Maximum Height: Forty-two feet (42'). However, additional building height may be permitted with each twenty feet (20') façade step back from the Greenway.

23H.08.02 Natural Section.

- A. Minimum Height: None.
- B. Maximum Height: As permitted in the primary underlying zoning district or applicable Overlay Zone.

23H.09 Building Requirements.

23H.09.01 New principal buildings with a gross floor area containing more than 15,000 square feet shall contain a shower and changing facility for employee use.

23H.09.02 New principal buildings with a gross floor area containing more than 15,000 square feet shall provide covered, long term bicycle parking at a rate of one space per 5,000 square feet. Long term bicycle parking may include an indoor storage area and/or exterior bicycle lockers, as approved as part of an ADLS plan.

23H.10 Architectural Design. Buildings in the Urban Section with frontage on the Greenway must include the following characteristics:

- 23H.10.01 Ground and upper floors with transparent glass; ground floor elevations must incorporate the transparent glass as a significant component.
- 23H.10.02 Large blank facades are not allowed. All elevations shall exhibit variety through inclusion of architectural elements such as windows and surrounds, storefronts, doors, special brick coursing, pilasters, lintels, canopies and covered walkways or recesses.

When used, they shall be arranged in a balanced, relatively uniform fashion. Faux window openings and special masonry coursing may be used in service areas, especially areas where rooftop skylighting is designed.
- 23H.10.03 The first floor and all other floors will have a coordinated composition, which will usually be indicated by the alignment of upper floor windows and other features with openings and features of the first floor.
- 23H.10.04 When applicable, retail storefronts shall have one elevation oriented along the Greenway on the first floor of the building, except for pedestrian entrances to parking areas or small entrance lobbies for upper floors.
- 23H.10.05 Every face of the building with frontage along the Greenway must have openings for windows.

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- 23H.10.06 Large expanses of glass are allowed, but the building may not be constructed entirely of a metal and glass curtain wall.
 - 23H.10.07 Fixed or retractable awnings are permitted if they complement a building's architectural style, material, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair façade composition; and are designed as an integral part of the façade. Awnings may not be internally illuminated.
 - 23H.10.08 Pedestrian scale detailing is encouraged on the Greenway elevation of the building at the ground level. Because the buildings may be viewed very close up, all buildings should exhibit articulated detail and ornament that is scaled to the pedestrian.
 - 23H.10.09 Modulation of the roof and/or roof line will be required in order to eliminated box-shaped buildings. Parapets must be fully integrated into the architectural design of the building and provide seamless design transitions, including exterior materials between the main building mass, mechanical penthouses and other roof structures. Should they be used, partial parapets shall have a return that extends inward to at least the first structural bay, or twenty-five (25) feet, whichever is greater.

23H.11 Landscaping.

23H.11.01 Urban Section.

- A. Preservation Requirements: Preservation requirements shall be evaluated and determined upon application for and finalized prior to Commission approval and thereafter in accordance with the Monon Greenway covenants. The Director of Carmel Clay Parks shall also approve the Preservation Plan. However, existing vegetation within the Greenway Easement or Right-of-Way shall be preserved until Commission approval and may not be removed until Commission approval.
- B. Planting Requirements: When a Development Plan or other Commission approval includes or requires reconstruction of the Greenway, the landscape plan shall comply with the Monon Greenway Cross Section requirements and must meet the approval of the Director of Carmel Clay Parks and the City of Carmel Urban Forester.

23H.11.02 Natural Section.

- A. Planting Requirements: Plantings shall be provided at a rate equivalent to a Bufferyard D, as prescribed in *Chapter 26.04: Perimeter Buffering Requirements*.
- B. Preservation Requirements: Existing vegetation within the Greenway Easement or Right-of-Way shall be preserved in accordance with the Monon Greenway covenants. Any preservation plan brought forth under this Chapter shall also be approved by the Director of Carmel Clay Parks.

23H.11.03 General Landscaping Requirements.

- A. Sites with existing trees or stands of trees shall protect and incorporate them into the overall site design. The landscape plan must preserve not less than 50% of all trees that are 6" DBH or larger and located within the required yard/setback areas.
- B. A five-foot (5') wide planting strip shall be provided along the sides and rear of all parking areas. The minimum planting shall include two (2) shade trees and thirty (30) shrubs per 100 linear feet.

- C. Parking areas shall be located at the rear or side of buildings, and screened from the Greenway by low walls, low fences, or hedges.
- D. Shade trees shall be planted within parking areas greater than 10,000 square feet. There shall be planted one (1) shade tree and five (5) shrubs per every nine (9) spaces.
- E. The design of fencing, sound walls, trash enclosures and similar site elements shall replicate the architecture of the Principal building(s) in construction material and detailing.
- F. All landscaping approved as part of an ADLS plan shall be installed prior to issuance of a Certificate of Occupancy by the Department. If it is not possible to install the approved landscaping because of weather conditions, the property owner shall post a bond prior to the issuance of the Final Certificate of Occupancy for the amount equal to the total installed cost of the remaining, uninstalled landscape material.
- G. It shall be the responsibility of the owners and their agents to insure proper maintenance of all trees, shrubs and other landscaping approved as part of the ADLS Plans in accordance with the standards set by this Ordinance. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, rank vegetation and weeds.
- H. All landscaping is subject to approval by the Commission. No landscaping which has been approved by the Plan Commission may later be substantially altered, eliminated or sacrificed without first obtaining further Commission approval. However, minor material alterations in landscaping may be approved by the Director or his designee in order to conform to specific site conditions.
- I. Ground level mechanical/ telecommunication equipment shall be fully screened so that it is not visible from the Greenway and any adjoining residential zones or uses using walls, fencing, landscaping, or other method approved by the Commission.

23H.12 Lighting.

- 23H.12.01 Exterior lighting of the building(s) or site shall be designed so that light is not directed off the site and the light source is shielded from direct offsite viewing.
- 23H.12.02 Exterior lighting shall be architecturally integrated with the building style, material and color. Rooftop lighting shall be prohibited.
- 23H.12.03 All exterior architectural, display, decorative and sign lighting shall be generated from concealed, low level fixtures.
- 23H.12.04 The maximum height of light standards in parking areas shall not exceed the building height, or twenty-five (25) feet, whichever is less. When light standards abut or fall within ninety (90) feet of single family residential properties, their height shall not exceed fifteen (15) feet.

23H.13 Signage. All signs shall be in accordance with *Chapter 25.07: Sign Ordinance* and other applicable District Overlay Requirements. In addition, the following standards shall apply to signs facing the Monon Greenway:

- 23H.13.02 Wall Signs are allowed in the Urban Section provided that they fit within the horizontal and vertical elements of the building and do not obscure details of the building. No sign shall be allowed to extend above the cornice line of a building. Wall Signs shall be no larger than ten

(10) square feet and shall be in accordance with an approved ADLS.

- 23H.13.03 Projecting Signs no larger than six (6) square feet are allowed for new or existing buildings in the Urban Section which comply with setback, orientation and height requirements, as specified in Sections 23H.05, 23H.07 and 23H.08 of this Chapter.

23H.14 Parking.

- 23H.14.01 Parking shall be provided per *Chapter 27: Additional Parking & Loading Regulations*, unless otherwise stated for parcels in the Old Town District Overlay Zone.
- 23H.14.02 In addition to long-term bicycle parking required in Section 23H.09.02, bicycle parking shall be provided in accordance with *Section 27.06: Bicycle Parking*. However, the required number of bicycle parking spaces in the Overlay shall be double.
- 23H.14.03 Parking areas shall be set back not less than 20 feet behind the Front Line of Building, and shall include landscaping as required in *Section 23H.11.03*.
- 23H.14.04 Parking structures are permitted adjacent to the Monon Greenway; provided that the ground level of the façade facing the Greenway is a non-parking use. Uses may be residential or non-residential in nature, and shall comply with *Sections 23H.03* and *23H.04* of this Chapter.

23H.15 Other Requirements.

- 23H.15.01 Boundary Markers. Upon application for Commission approval a staked survey must be completed to determine the Monon Greenway property line. Prior to commencing and throughout the duration of construction, boundary markers shall be placed at the edge of the Monon Greenway Right-of Way. Monuments shall be at least twenty-four inches (24") in height and placed at the property corners abutting the Greenway. In addition, a temporary construction fence shall be placed along the Greenway boundary throughout the duration of construction.
- 23H.15.02 Monon Documents. Upon application for Commission approval applicant must provide a copy of the deed by which the title and any associated easements were conveyed.
- 23H.15.03 All other requirements not mentioned in this Section shall remain as stated for that primary zoning classification district mapped.

**CHAPTER 23H: MONON GREENWAY OVERLAY ZONE
AMENDMENT LOG**

Ordinance No.	Docket No.	Council Approval	Effective Date	Sections Affected